

REMARKS

Careful consideration has been given by the applicant to the Examiner's comments and rejection of various of the claims, as set forth in the outstanding Office Action, and favorable reconsideration of the application, as amended, is earnestly solicited.

Applicant notes the withdrawal of Claim 11 and Claims 14-23 from further consideration as being drawn to a non-elected species.

However, at this time, based on the Amendment being presented herewith, applicant respectfully requests reconsideration of the restriction requirement and that all of the claims be considered and prosecuted in this application in defining a unitary inventive concept.

With regard to the Examiner's rejection of Claim 13 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement, and the objection to the drawings under 35 U.S. C. §1.83(a), applicant respectfully takes issue that a chamfer has not been shown in this application.

Moreover, the chamfer is clearly shown in the embodiment of Figures 6 and 7, referring to an element identified as 16, which shows an undercut in the support part 1 as a replacement for the lever 10 of Figures 1, 2A and 2B of the drawings. In particular, the undercut, as shown in Figures 6 and 7, and described in the specification on page 17, lines 21-30, is in the form of a chamfer cut into the support member 1 and enables a finger to be inserted beneath the leaf spring 2, so as to be able to pull out the latching element which engages into the jewellery component. This clearly identifies a chamfer 16 in support of claim 13, in contrast with the generic

Claim 1, which simply indicates the possibility of the leaf spring being pulled outwardly so as to cause disengagement of the locking or fastening device 9 from the recess 5 without being limited to either an actuator element or lever 10 or the chamfer 16. Consequently, the drawings clearly disclose the chamfer in the form of the undercut, as shown in Figures 6 and 7, and it is deemed that the requirements concerning the drawings and claim 13 have been fully met in the original disclosure.

Accordingly, applicant respectfully requests that the Examiner withdraw that particular ground of objection to Claim 13 and to the drawings, which are in full compliance with the requirements.

Concerning the specification, appropriate amendments have been implemented to delete reference to specific claims, thereby rendering that particular objection to be moot.

Applicant further notes the rejection of Claims 1-5, 8 and 10 under 35 U.S. C. §102(b), as being anticipated by Law, U.S. Patent No.4,793,155.

However, applicant also gratefully notes the indication that at least Claims 6, 7, 9 and 12 are directed to allowable subject matter and would be allowed if either rewritten in independent form or made dependent from an allowable claim.

However, applicant respectfully submits that Claim 1, as amended, is deemed to also be allowable over the prior art reference, as cited in the Office Action.

In order to distinguish thereover, applicant has amended Claim 1 to indicate that the leaf spring fastening device is manually actuatable from an external region of the jewellery which is accessible to a wearer thereof and which comprises a latching element constructed under a leaf spring.

To the contrary, Law, et al. would be practically incapable of being released when the jewellery is mounted on the clothing of a wearer.

In particular, referring to the jewellery item of Law, et al., the fastening element shown, particularly in Figures 2 and 3 thereof, resides in that the actuation part 64 of the spring element 48 is located underneath the bottom surface of the jewellery item 20. In essence, when the jewellery item 20 is attached to a piece of clothing worn by a person, which is in surface contact with and covers the bottom surface 28, the jewellery element 22 cannot be readily removed from the jewellery item 20, inasmuch as a wearer cannot readily access the actuation part 64 from the exterior thereof. This is because the actuation part is, in essence, buried beneath the rear or bottom surface 28 of the jewellery item 20, so as to be recessed into the clothing item, thereby being invisible from the exterior, rendering almost impossible to remove the element 22 when the item of jewellery is worn by a user.

To the contrary, in the present application, the leaf spring or fastening device may be readily detached from the jewellery element by being pulled outwardly, inasmuch as it is manually possible to access the jewellery from the side or perimeter thereof, so as to be easily visible and accessible to a user or anyone for manual actuation while being worn on the clothing.

Consequently, this provides for an advantageous arrangement, which in no manner is possible to be achieved in Law, et al.

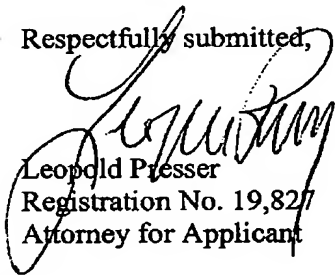
Moreover, there is also the lack of the leaf spring structure being recessed in a peripheral groove of an item of jewellery analogous to the present invention.

From the foregoing, based on the amended claims, these, in addition to already allowable Claims 6, 7, 9 and 12, are also deemed to be in condition for allowance.

Accordingly, in view of the foregoing comments and amendments, and on the basis of the already indicated presence of allowable subject matter, the early and favorable reconsideration and allowance of the application by the Examiner is earnestly solicited.

However, in the event that the Examiner has any queries concerning the instantly submitted Amendment, applicant's attorney respectfully requests that he be accorded the courtesy of possibly a telephone conference to discuss any matters in need of attention.

Respectfully submitted,


Leopold Presser
Registration No. 19,827
Attorney for Applicant

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza – Suite 300
Garden City, New York 11530
(516) 742-4343

LP:jj